

Remarks

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claim 1 is canceled without prejudice or disclaimer, claims 2-7, 11-13, 15-16 and 20-21 are amended, claims 18 and 19 were allowed, and claims 22-28 are newly added. Claims 2-28 remain pending in the case. No new matter has been added. Reconsideration of the claim is respectfully requested.

Drawings

In paragraph 1 on page 2 of the Office Action, the drawings were objected to under 37 CFR 1.83(a) because the drawings must show a tuning assemble that further comprises a varactor corresponding to a tuning tip.

Applicants respectfully traverse the objection, but in the interest of prosecution have amended Fig. 13 to illustrate a varactor. Support for Fig. 13 can be found on at least page 17 and claim 15. Applicants respectfully submit that amended Fig. 13 does not include new matter.

Therefore, in view of the above remarks, Applicants respectfully request that Examiner withdraw the objection.

Specification

In paragraph 2 on page 2 of the Office Action, the Specification was objected to because of informalities.

Applicants respectfully traverse the objection, but in order to advance prosecution have amended the Specification to overcome the objection and are submitting amended paragraphs herewith. The amended paragraphs clarify the Specification and claims without adding new matter.

Therefore, in view of the above remarks, Applicants respectfully request that Examiner withdraw the objection.

Abstract

In paragraph 3 on page 2 of the Office Action, the Abstract was objected to because the Abstract must contain one paragraph.

Applicants respectfully traverse the objection, but in order to advance prosecution have amended the Abstract to overcome the objection and is submitting an amended paragraph herewith. The amended Abstract does not add new matter.

Therefore, in view of the above remarks, Applicants respectfully request that Examiner withdraw the objection.

Claims

In paragraph 4 on page 3 of the Office Action, the Office Action noted that the claims were renumbered. Applicants' thank Examiner for renumbering the claims and their dependencies.

35 USC § 102 Rejections

In paragraph 6 on page 3 of the Office Action, independent claim 14 and dependent claim 17 were rejected under 35 U.S.C. §102(b) as being anticipated by Sochor, U.S. 5,968,876. According to the Office Action, Sochor discloses Applicants' invention substantially as claimed.

Applicants respectfully traverse the rejection. Applicants respectfully submit that the cited reference does not disclose, teach or suggest the invention. Applicants submit that there are patentable differences between the cited reference and Applicants' invention. Applicants' invention differs from the cited reference in at least the following respects.

Claim 14 of the present invention requires a plurality of actuators, each or the plurality of actuators are configured to position corresponding tuning tips over a range of distances from a single resonator.

Sochor fails to disclose or suggest at least a plurality of actuators, each actuator being operatively linked to a corresponding tuning tip, wherein each actuator is configured to position the corresponding tuning tip over a range of distances from a resonator. Rather, Sochor merely discloses that a single tuning tip is positioned above a single filter element that is to be tuned. (col. 4, lines 8-12). Further, Sochor discloses that a specific tip may be used for a specific filter element. (col. 5, lines 55-58).

Therefore, in view of the above remarks, Applicants' independent claim 14 is patentable over the cited reference. Because claims 15-17 depend from claim 14, and include the features recited in the independent claim, Applicants respectfully submit that claims 15-17 are also patentably distinct over the cited reference. Nevertheless, Applicants are not conceding the

correctness of the Office Action's rejection with respect to such dependent claims and reserve the right to make additional arguments if necessary.

In paragraph 7 on page 4 of the Office Action, independent claim 21 was rejected under 35 U.S.C. §102(b) as being anticipated by Higaki, U.S. 5,391,543. According to the Office Action, Higaki discloses Applicants' invention substantially as claimed.

Applicants respectfully traverse the rejection, but in the interest of prosecution have amended claim 21 to clarify the invention. Applicants respectfully submit that the cited reference does not disclose, teach or suggest the invention.

Higaki fails to disclose or suggest at least tuning a resonator having a first component and a second component using a plurality of actuators, each actuator being operatively linked to a corresponding tuning tip for positioning a first of the plurality of tuning tips at a range of distances from the first component and a second of the plurality of tuning tips at a range of distances from the second component. Rather, Higaki merely discloses that a single screw 60 extends perpendicularly to a single conductor 10. (col. 5, lines 9-16).

Therefore, in view of the above remarks, Applicants' independent claim 21 is patentable over the cited reference.

35 USC § 103 Rejections

In paragraph 9 on page 5 of the Office Action, dependent claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sochor. Applicants respectfully traverse this rejection.

As discussed above with respect to independent claim 14, Sochor fails to disclose Applicants' invention. Because claim 16 depends from claim 14, and includes the features recited in the independent claim, Applicants respectfully submit that claim 16 is also patentably distinct over the cited reference. Nevertheless, Applicants are not conceding the correctness of the Office Action's rejection with respect to the dependent claim and reserve the right to make additional arguments if necessary.

In paragraph 10 on page 6 of the Office Action, claims 1, 3, 4, 12, 13 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sochor in view of Higaki. Applicants respectfully traverse these rejections, but in the interest of prosecution have canceled claim 1, added new independent claim 22, and have amended independent claim 20.

As discussed above, Sochor fails to disclose Applicants' invention. Higaki fails to remedy the deficiencies of Sochor. Therefore, in view of the above remarks, Applicants independent claims

22 and 20 are patentable over the cited references. Because claims 2-13 and 22-28 depend from claim 22, and include the features recited in the independent claim, Applicants respectfully submit that claims 2-13 and 22-28 are also patentably distinct over the cited reference. Nevertheless, Applicants are not conceding the correctness of the Office Action's rejection with respect to such dependent claims and reserve the right to make additional arguments if necessary.

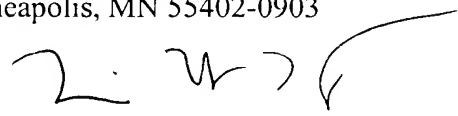
Conclusion

Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at 612/336-4755.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

Dated: 8 September 2003



Brian H. Batzli
Reg. No. 32,960
BBATZLI:tjs